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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

3:73-cv-00125-ECR-WGC

11 Plaintiff,

In Equity No. C-125

12 WALKER RIVER PAIUTE TRIBE,

CORRECTED
ORDER MODIFYING DECREE

13 Intervenor-Plaintiff,

14 vs.

15 WALKER RIVER IRRIGATION
16 DISTRICT, a corporation, et al;

17 Defendant.

18 In the Matter of:

19 PERMIT 79000 - JERRY ROBERT
and DEBRA DEAN ROSSE,

20 Petitioners.
21 _____ /

22 The Petitioners, JERRY ROBERT and DEBRA DEAN ROSSE, filed herewith their Petition
23 for Approval of Modification of the Walker River Decree herein on November 17, 2011.

24 Petitioners filed Application No. 79000 with the Nevada State Engineer on November 2,
25 2009, which Application sought to change the point of diversion and place of use for a portion of
26 Claim No. 173 of this Court's Final Decree dated April 29, 1940 in the above entitled action.

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The Nevada State Engineer sent special notices and request for publications in accordance with the Administrative Rules and Regulations of the U.S. Board of Water Commissioners. Publications of notice of Application No. 79000 were duly made in the Mason Valley Times, Record Courier and the Mammoth Times, as required by such Administrative Rules and Regulations.

No protests were lodged by any party to the granting of Application No. 79000.

On December 21, 2011, this Court entered its Order Setting Hearing on the Petition for Approval of Modification of Walker River Decree.

The Nevada State Engineer's entire record of proceedings under Application No. 79000 was served upon all parties hereto.

Claim No. 173 of this Court's Final Decree reads as follows:

| Stream | Year of relative priority | Amount in cubic feet per second | No. of Acres irrigated | Description of Land |
|--------------|---------------------------|---------------------------------|------------------------|--|
| Desert Creek | 1860 1864 | 4.0 5.30 | 250 330 | W $\frac{1}{2}$ of SW $\frac{1}{4}$, Sec. 16; All of Sec. 17; NE $\frac{1}{4}$, N $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 18; E $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 19; NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 20, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 21; T. 10N., R. 24 E. |

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the said Decree is modified as follows:

1. That a portion of that certain right set forth in Claim No. 173 of the Decree on page 49 under the name of Pacific Coast Joint Stock Land Bank, be modified as follows:

delivery of water is hereby changed from:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 18, T.10 N., R.24 E., M.D.M.

| | | |
|--------------------|---------------|-----------------|
| 8.62 ACRES | PRIORITY 1860 | .140 cfs |
| <u>11.38 ACRES</u> | PRIORITY 1864 | <u>.180 cfs</u> |
| 20.00 ACRES | | .320 cfs |

to:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 8, T.9 N., R.24 E., M.D.M.

| | | |
|--------------------|---------------|-----------------|
| 8.62 ACRES | PRIORITY 1860 | .140 cfs |
| <u>11.38 ACRES</u> | PRIORITY 1864 | <u>.180 cfs</u> |
| 20.00 ACRES | | .320 cfs |

2. The new point of diversion shall be noted on the Final Decree as: NE¼ SW¼ of Section 8, T.9N, R.24E, M.D.M., from which the West ¼ corner of said Section 8 bears N 50°19'23" W, a distance of 1,821.30.

3. The approved Application No. 79000 was duly served on all parties hereto as Exhibit “A” attached to the Petition for Approval of Modification of the Walker River Decree.

This modification of Decree shall be deemed not to affect the rights other than that portion of Claim No. 173 set forth above or the rights of any other parties.

DATED this 1st day of February, 2012.

Howard D McKibben

UNITED STATES DISTRICT COURT JUDGE